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6 Attorneys for Defendants  
FIRST FRANKLIN FINANCIAL CORPORATION; HOME LOAN  
7 SERVICES, INC; BANK OF AMERICA; MORTGAGE  
ELECTRONIC REGISTRATION SERVICES, INC.; LA SALLE  
8 BANK NATIONAL ASSOCIATION

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11  
12 HERMAN Q. CHRISTOPHER,  
DESHAWN REILLY, individuals, as ,  
13 ,

14 Plaintiffs,

15 v.

16 FIRST FRANKLIN FINANCIAL  
CORPORATION, a Delaware  
17 Corporation; LASALLE BANK, N.A.;  
MERILL LYNCH MORTGAGE  
18 LOAN TRUST 2007-4, Mortgage  
Loan Asset-Backed Certificates,  
19 Series 2007-4 , Its Successors and/or  
Assigns; BANK OF AMERICA, N.A.  
20 a Delaware corporation; MERSCORP,  
INC., a Virginia Corporation,  
21 MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., a  
22 subsidiary of MERSCORP, Inc., a  
Delaware corporation; HOME LOAN  
23 SERVICES, INC.; CAL-WESTERN  
RECONVEYANCE CORP; AND  
24 DOES 1 individuals 1 to 100,  
Inclusive; and ROES Corporations 1  
25 to 30, Inclusive; and all other persons  
and entities unknown claiming any  
26 right, title, estate, lien or interest in the  
real property described in the  
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Case No. 10-CV-0017 DMS CAB

**DEFENDANTS FIRST FRANKLIN  
FINANCIAL CORPORATION, HOME  
LOAN SERVICES, INC., BANK OF  
AMERICA, MORTGAGE  
ELECTRONIC REGISTRATION  
SERVICES, INC., AND LA SALLE  
BANK NATIONAL ASSOCIATION'S  
MOTIONS TO DISMISS AND  
STRIKE PLAINTIFF'S AMENDED  
COMPLAINT**

*[Request for Judicial Notice and  
[Proposed] Order filed concurrently  
herewith]*

**Date: August 6, 2010  
Time: 1:30 p.m.  
Place: Dept. 10**

Trial Date: None

1 Complaint adverse to Plaintiff's  
2 ownership, or any cloud upon  
3 Plaintiff's title thereto,  
4 Defendants.

5 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

6 PLEASE TAKE NOTICE that on August 6, 2010, at 1:30 p.m., or as soon  
7 thereafter as the matter may be heard in Courtroom 10 of the above-entitled Court,  
8 located at 880 Front Street, San Diego, California 92101, Defendants First Franklin  
9 Financial Corporation ("FFFC"); Bank of America, as successor by merger to La  
10 Salle Bank, N.A., as trustee for Merrill Lynch First Franklin Mortgage Loan Trust  
11 2007-4, erroneously sued as La Salle Bank, N.A., Merrill Lynch Mortgage Loan  
12 Trust 2007-4, Mortgage Loan Asset-Backed Certificates, Series 2007-4 ("LA  
13 SALLE") and Bank of America, N.A. ("BA") (collectively referred to as  
14 "Defendants") will move this Court for an Order Dismissing Plaintiffs HERMAN  
15 CHRISTOPHER and DBR STRATEGIES, INC. ("Plaintiffs")' second amended  
16 complaint with prejudice pursuant to Federal Rules of Civil Procedure ("FRCP")  
17 Rule 12(b)(6).

18 PLEASE TAKE FURTHER NOTICE that no later than fourteen (14) calendar  
19 days before the date designated for the hearing of this Motion, each opposing party  
20 to the Motion shall serve upon all parties and file with the clerk of this court either:  
21 (a) Opposition to the Motion with memorandum of points and authorities or (b) a  
22 Written Statement of Non-Opposition with the clerk. Furthermore, any evidence  
23 presented in opposing papers shall comply with U.S. District Court, Southern  
24 District of California Civil Rule 7.1 et seq.

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1 These Motions are based on this Notice, the attached Memorandum of Points  
2 and Authorities, the Request for Judicial Notice, the records and pleadings on file  
3 herein and such other evidence as may be presented.

4 DATED: June 7, 2010

WOLFE & WYMAN LLP

7 By: /s/ Andrew A. Bao

STUART B. WOLFE

ANDREW A. BAO

Attorneys for Defendants

**FIRST FRANKLIN FINANCIAL  
CORPORATION; HOME LOAN  
SERVICES, INC; BANK OF AMERICA;  
MORTGAGE ELECTRONIC  
REGISTRATION SERVICES, INC.; LA  
SALLE BANK NATIONAL  
ASSOCIATION**

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WOLFE & WYMAN LLP  
ATTORNEYS & COUNSELORS AT LAW

**MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Defendants First Franklin Financial Corporation (“FFFC”); Bank of America, as successor by merger to La Salle Bank, N.A., as trustee for Merrill Lynch First Franklin Mortgage Loan Trust 2007-4, erroneously sued as La Salle Bank, N.A., Merrill Lynch Mortgage Loan Trust 2007-4, Mortgage Loan Asset-Backed Certificates, Series 2007-4 (“LA SALLE”); and Bank of America, N.A. (“BA”) (collectively referred to as “Defendants”) hereby moves this Court for an order to dismiss Plaintiffs HERMAN CHRISTOPHER and DBR STRATEGIES, INC. (“Plaintiffs”)’ Second Amended Complaint (“SAC”) under Federal Rules of Civil Procedure (“FRCP”) Rule 12(b)(6)<sup>1</sup>. Plaintiffs have failed to state a claim for relief against Defendants.

**MOTION TO STRIKE THE FAC**

Defendants further move to strike Plaintiff HERMAN CHRISTOPHER as a plaintiff, as the allegations in the SAC demonstrate that he has no interest or claim involving the Subject Property at issue in this matter.

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<sup>1</sup> Plaintiff appears to have inserted Merrill Lynch Mortgage Loan Trust, 2007-4, Mortgage Loan Asset-backed certificates, Series 2007-4, as a separate defendant. This is not a valid entity. Rather, the correct defendant name would be: Bank of America, as successor by merger to La Salle Bank, N.A., as trustee for Merrill Lynch First Franklin Mortgage Loan Trust 2007-4, erroneously sued as La Salle Bank, N.A., Merrill Lynch Mortgage Loan Trust 2007-4, Mortgage Loan Asset-Backed Certificates, Series 2007-4 (“LA SALLE”). Thus, there are only three named Defendants in this matter: FFFC, LA SALLE and BANK OF AMERICA.

1 WHEREFORE, Defendants prays for Judgment as follows:

- 2 1. That Defendants' motion to dismiss be granted with prejudice; and  
3 2. That Defendants' be awarded costs of suit and other such relief as this  
4 Court deems to be just and proper.

5 DATED: June 7, 2010

WOLFE & WYMAN LLP

8 By: /s/ Andrew A. Bao

STUART B. WOLFE

ANDREW A. BAO

Attorneys for Defendants

10 **FIRST FRANKLIN FINANCIAL**  
11 **CORPORATION; HOME LOAN**  
12 **SERVICES, INC; BANK OF AMERICA;**  
13 **MORTGAGE ELECTRONIC**  
14 **REGISTRATION SERVICES, INC.; LA**  
15 **SALLE BANK NATIONAL**  
16 **ASSOCIATION**